

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

10TH JUNE 2019, AT 6.00 P.M.

PRESENT: Councillors M. Thompson (Chairman), J. Till (Vice-Chairman),
A. J. B. Beaumont, S. R. Colella, R. J. Deeming, S. P. Douglas, M. Glass,
C.A. Hotham, R. J. Hunter, A. D. Kriss and M. Middleton

Observers: Councillor G. N. Denaro and Councillor K. J. May

Officers: Ms. J. Pickering, Ms J. Heyes, Mr J. Smith, Ms. A. Scarce and
Ms. J. Bayley

1/19

ELECTION OF CHAIRMAN

During consideration of this item Councillor C. A. Hotham proposed that there should be a secret ballot to elect the Chairman of the Board, in line with proposals detailed in the Overview and Scrutiny guidance that was published by the Department of Housing, Communities and Local Government in May 2019 and which was due for consideration at agenda item 11 of the agenda (Minute No. 11/19). Members were advised that at present the Chairman of the Overview and Scrutiny Board was elected through an open ballot of the members of the Board. Any change to the arrangements for electing the Chairman of the Board would have implications for the election of the Chairmen of other Committees at the Council, as a consistent approach was currently applied. Furthermore, Members needed to give consideration to the various different ways in which a Chairman could be appointed to a Committee and it was noted that for example at Redditch Borough Council the Chair of the Overview and Scrutiny Committee was appointed at the annual Council meeting. In this context, any changes to the process for electing a Chairman would need to be considered further by the Constitution Review Working Group (CRWG).

Nominations for the position of Chairman were received in respect of Councillors S. R. Colella and M. Thompson. On being put to the vote a majority of Members on the Board agreed that Councillor Thompson should be appointed Chairman.

RESOLVED that Councillor M. Thompson be appointed as Chairman of the Board for the ensuing municipal year.

2/19

ELECTION OF VICE CHAIRMAN

A nomination for the position of Vice Chairman of the Board was received in respect of Councillor J. Till.

RESOLVED that Councillor J. Till be appointed Vice Chairman of the Board for the ensuing municipal year.

3/19

APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

An apology for absence was received on behalf of Councillor C. J. Spencer and it was confirmed that Councillor M. Middleton was attending as her substitute.

4/19

DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

There were no declarations of interest nor of any whipping arrangements.

5/19

MINUTES

The minutes of the meeting of the Overview and Scrutiny Board held on 8th April 2019 were submitted for Members' consideration.

RESOLVED that the minutes of the meeting of the Overview and Scrutiny Board held on 8th April 2019 be approved as an accurate record.

6/19

BROMSGROVE MARKET - UPDATE

The Markets Manager delivered a presentation in respect of Bromsgrove market and changes that had been made to the market since the Council reintroduced in-house service delivery in June 2018 (Appendix 1). Following the delivery of the presentation Councillor K. May, as the Portfolio Holder for Economic Development, the Town Centre and Strategic Partnerships, extended her thanks to the Market Manager and his team for their hard work over the previous 12 months. During this time progress had been made and the themed markets and successful Christmas market were welcomed as an asset to the town.

Members subsequently discussed the market in some detail and in doing so considered the following points:

- The geographical remit of the Market Manager's team. Members were advised that the team worked within the market in Bromsgrove town centre and not with markets in other parts of the district. This was the market that had previously been managed by an external company on behalf of the Council.
- The availability of parking for market traders and the potential for free parking spaces to be provided. Members were advised that market traders were not treated any differently to anybody else when it came to parking.
- The availability of incentives to encourage market traders to continue to trade in Bromsgrove. The Board was informed that there were a number of incentives offered to market traders, including holiday entitlement.
- The 80 per cent occupancy in the market and how this compared to markets in other parts of the country. Members were advised that

the occupancy levels for Bromsgrove market were in the highest quartile nationally, though the Council continued to aspire for an increase in occupancy levels over time.

- The budgetary position for the market. Members were advised that there had been a surplus generated for the market but this had been slightly less than anticipated in the budget for the Council. On an annual basis officers would continue to review the budget for the market and would adjust it to reflect the income from the market moving forward.
- The origins of the market traders and the potential to support local businesses. Members were informed that the Love Your Market campaign would be taking place in 2020 to help promote the market locally.
- The areas covered by the expenditure detailed in the presentation. The Market Manager confirmed that this covered staffing costs, business rates and administrative costs.
- The set up costs involved in bringing management of the market back in house. The Executive Director of Finance and Corporate Resources agreed to report back to Members on this figure.
- The extent to which the Council had recovered funds from the previous external company that had managed the service on the Council's behalf. Members were advised that there had been full recovery of the debt.
- The arrangements in place to fund the repair and maintenance programme for the market. Members were advised that Officers were working to produce a three year repair and maintenance plan. This would need to be submitted for the consideration of the Council through the usual process.
- The reasons for the higher level of rental income from the market in April. The Board was advised that the rent was paid on a Tuesday by regular market traders and there had been five rather than the average four Tuesdays in April.
- The forthcoming special events due to take place in the market area. Members were informed that there would be a Volunteers' Day on 18th June when approximately 15 Voluntary and Community Sector (VCS) organisations would have an opportunity to showcase their work. The market would also be involved in all of the festivals and events taking place in Bromsgrove in 2019.
- The forthcoming visit of Digbeth Dining Club to the town.

At the end of the discussions Members agreed that it would be helpful for the Board to receive a further update in respect of the market in 12 months' time.

RESOLVED that the update in respect of Bromsgrove market be noted.

FINANCE AND BUDGET WORKING GROUP - MEMBERSHIP REPORT

Members were advised that the membership of the Finance and Budget Working Group, including the Chairman, needed to be appointed. The

Chairman of the group had traditionally been the Chairman of the Overview and Scrutiny Board. Members agreed that this arrangement should continue in 2019/20. Five additional members of the Board confirmed that they would be interested in serving on the working group in 2019/20.

During consideration of this item Members also discussed the terms of reference for the Finance and Budget Working Group. These had originally been agreed in 2016 and Members were invited to consider whether any amendments were required to reflect changes at the Council since that time. Members agreed that the terms of reference should be amended to enable the group to consider business cases in respect of investment opportunities identified by the Council. In addition, the Executive Director of Finance and Corporate Resources suggested that reference to the Section 11 recommendations should be removed from the terms of reference as these no longer applied to the Council.

RESOLVED that

- (a) Councillor M. Thompson be appointed Chairman of the Finance and Budget Working Group for the ensuing municipal year;
- (b) Councillors S. R. Colella, S. P. Douglas, C. A. Hotham, A. D. Kriss and J. Till also be appointed to serve on the Finance and Budget Working Group for the ensuing municipal year; and
- (c) Subject to the amendments detailed in the preamble above, the terms of reference for the Finance and Budget Working Group be approved.

8/19

CORPORATE PERFORMANCE WORKING GROUP - MEMBERSHIP REPORT

The Board was advised that the membership of the Corporate Performance Working Group, including the Chairman of the group, needed to be confirmed. Historically the Vice Chairman of the Overview and Scrutiny Board had been the Chairman of this working group. However, Councillor J. Till confirmed that she did not want to take on this role. Three Councillors were suggested as members of this group and Members agreed that Councillor M. Glass should be the Chairman of the group. The terms of reference for the Corporate Performance Working Group had been amended in 2018 and no further changes were suggested during the meeting.

RESOLVED that

- (a) Councillor M. Glass be appointed Chairman of the Corporate Performance Working Group for the ensuing municipal year;
- (b) Councillors A. J. B. Beaumont and C. J. Spencer also be appointed to serve on the Corporate Performance Working Group during the ensuing municipal year; and
- (c) The terms of reference for the Corporate Performance Working Group be approved.

TASK GROUP UPDATES

Members considered whether to continue with two Task Groups and a Short Sharp Review that had been approved by the Overview and Scrutiny Board in the 2018/19 municipal year. Each of these reviews was discussed in turn:

(a) **Bromsgrove Sporting Football Club Task Group**

Members noted that the Bromsgrove Sporting Football Club Task Group had not yet had a meeting. In 2018/19 Councillors C. A. Hotham, R. Jenkins, R. J. Laight, M. Thompson and S. Webb had been appointed to the group. Councillors Laight and Webb could no longer serve on the group as they had been appointed Chairman of the Council and a Portfolio Holder on the Cabinet respectively. Members concurred that it would be easier to complete the review quickly if only Board Members were appointed to this group.

The Board discussed the scope of the review. It was suggested that this could be expanded to take account of the success of Alvechurch Football Club and some local rugby clubs. However, Members noted that the focus of the review had been on the rent paid by Bromsgrove Sporting Football Club and the work it did in the community, and therefore it would not be appropriate to extend this review to look at the success of other local sports clubs.

The group had not met in 2018/19 as it had proved difficult to identify a date when all Members would be available. However, it was suggested that Members had a responsibility to make themselves available if they chose to serve on a Task Group.

The potential to review the subject at a series of Board meetings, rather than through a Task Group exercise was briefly discussed. It was suggested that the Legal Department could be invited to present an update in respect of the legal position at a Board meeting and this would help Members to clarify whether further investigation was required. However, Members also noted that a Task Group would be in a better position to review this subject in detail and could receive the update from the Legal Department at a meeting.

Members noted that the review could be completed in 2 or 3 meetings. However, Members agreed that should no meetings have taken place by August 2019 the Board would reconsider whether this review should take place.

(b) Business Rates Relief Short Sharp Review

Councillor Thompson reported that the Business Rates Relief Short Sharp Review had met twice. The review had been established following the referral of a Motion from Council on the subject of business rates relief to the Overview and Scrutiny Board. As the review had been launched as a result of a referral from Council Members concurred that this exercise should continue.

The Executive Director of Finance and Corporate Resources informed Members that the Council had been provided with funding to help businesses navigate the costs of the rise in business rates. Not all of this funding had been spent in 2018/19 and some had had to be returned to the Government. A similar amount of funding had been provided to the Council this year and the group could help Officers identify how to spend the balance of this funding both in 2019/20 and 2020/21.

The membership of the group was also considered. In 2018/19 Councillors S. R. Colella, M. Glass, R. J. Laight, P. McDonald, P. Thomas and S. Webb had been appointed to the review. Following Councillor Laight's appointment as Chairman of the Council and Councillors P. Thomas and S. Webb's appointments as Portfolio Holders on the Cabinet they could no longer serve on this group. Members agreed that to ensure the review was completed quickly Board Members should be appointed to serve on this group.

(c) WCC LTP4 Task Group

Councillor S. R. Colella, who had originally proposed that this review should take place, explained that the focus of the investigation was on Worcestershire County Council's Local Transport Plan 4 (LTP4). The LTP4 was an infrastructure investment plan for the county, but concerns had been raised about the planned investment in infrastructure within Bromsgrove district. Many strategic routes in the district had high levels of congestion and poor air quality and the Task Group could investigate the extent to which the LTP4 addressed these problems. The review would be focusing on an area that had implications both for the economic vibrancy of the district and for the health and wellbeing of local residents.

Questions were raised during the meeting about whether the review was still needed. Since the Overview and Scrutiny Board had agreed to establish this Task Group Worcestershire County Council had agreed to review a whole range of highways infrastructure and traffic issues in Bromsgrove District. Concerns were raised that a scrutiny investigation of this subject could place that work and the development of positive working relationships between the county and district levels at risk. Furthermore, Members noted that many issues in respect of transport

infrastructure had been raised in a review of transport planning which had been carried out by the Board and been concluded at the end of the previous municipal year. Members also noted that a Task Group review of this subject could report their findings to the team undertaking the strategic review of transport at Worcestershire County Council and the Group would also have the benefit of reporting local experiences and observations.

The Board noted that it had previously been agreed that only two Task Groups and / or Short Sharp Reviews should take place at any one time. The review of the LTP4 had not yet started as the reviews of Business Rates Relief and Bromsgrove Sporting Football Club were still taking place. In this context, Members agreed that the Strategic Planning and Conservation Manager and relevant officers from Worcestershire County Council should be invited to attend a forthcoming meeting of the Board to explain what stage had been reached with the strategic review of highways and the implications for the district. Based on this Members could then determine whether any further investigation of this subject was required.

In conclusion to the discussions about these Task Groups and the Short Sharp Review Members noted that it was important to complete scrutiny work that had been agreed in the previous municipal year to provide Members with time to focus on issues that had been identified in 2019/20. With this in mind the Board agreed that members of all of the Task Groups and the Short Sharp Review should commit to completing their investigations as soon as reasonably possible.

RESOLVED that

- (a) The Bromsgrove Sporting Football Club Task Group review should continue;
- (b) Councillors S. P. Douglas, C. A. Hotham, R. J. Hunter and M. Thompson should be appointed to the Bromsgrove Sporting Football Club Task Group;
- (c) Councillor R. Jenkins should remain a member of this group, subject to her agreement to continue to serve on the Bromsgrove Sporting Football Club Task Group;
- (d) The Business Rates Relief Short Sharp Review should continue;
- (e) Councillors S. R. Colella, M. Glass and M. Thompson should be appointed to the Business Rates Relief Short Sharp Review;
- (f) Councillor P. McDonald should remain a member of this group, subject to his agreement to continue to serve on the Business Rates Relief Short Sharp Review;
- (g) The Strategic Planning and Conservation Manager and relevant officers from Worcestershire County Council should be invited to attend a forthcoming meeting of the Board to explain the stage reached with the strategic review of highways and the implications for the district; and

- (h) The Overview and Scrutiny Board to reconsider whether the WCC LTP4 Task Group exercise should be launched after resolution (g) above has taken place.

10/19

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Nominations were received for Councillors S. P. Douglas and J. Till to be appointed as the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC). On being put to the vote a majority of Councillors agreed that Councillor Till should be appointed to this position.

RESOLVED that Councillor J. Till serve as the Council's representative on the Worcestershire Health Overview and Scrutiny Committee for the ensuing municipal year.

11/19

OVERVIEW AND SCRUTINY - SELECT COMMITTEE FINDINGS AND NEW GOVERNMENT GUIDANCE

Members were advised that new statutory guidance in respect of Overview and Scrutiny had been published by the Department of Housing, Communities and Local Government in May 2019. The Council was required to give due regard to the points raised in the guidance. Officers had reviewed the contents of the guidance and had found that Overview and Scrutiny in Bromsgrove already complied with the majority of the points detailed within the guidance. However, there were a few suggestions in the guidance that diverged from practice in Bromsgrove and Members needed to give consideration as to whether to amend local practices to correspond with those points in the guidance.

The Board discussed the guidance and in so doing noted that many Members who had been appointed to the Board in 2019/20 were newly elected and new to Overview and Scrutiny. To ensure that Members could make an informed decision in respect of the points arising from the guidance, the Board agreed to revisit this matter at a meeting later in the calendar year when Members would have more experience in Overview and Scrutiny.

RESOLVED that the statutory Overview and Scrutiny guidance, published in May 2019, should be reconsidered by the Overview and Scrutiny Board at a meeting later in 2019.

12/19

CABINET WORK PROGRAMME

Officers explained that during the Overview and Scrutiny training that was delivered on 5th June 2019 Members had identified a number of items on the Cabinet Work Programme that were considered suitable for pre-scrutiny. These ideas had been recorded and were circulated at the meeting for Members' consideration (Appendix 2). Members agreed that

these items should be added to the Overview and Scrutiny Work Programme for consideration at the following meeting.

The Board also discussed the content of the Cabinet Work Programme and agreed that the following items should be subject to pre-scrutiny:

- Bromsgrove District Council's Low Emissions Vehicle Strategy.
- Bromsgrove Council Plan. There was a requirement in the constitution for Overview and Scrutiny to consider the Council Plan.
- Bromsgrove Enterprise Park

Members were advised that the Staff Bring Your Own Device policy had been withdrawn from the Cabinet Work Programme as had the National Waste Strategy and the Members' ICT Policy had been postponed. Whilst a number of items were recorded for consideration in July it was anticipated that a number of these items would be postponed.

The potential for the Overview and Scrutiny Board to pre-scrutinise the Bromsgrove Plan Review Local Development Scheme was briefly debated. Members noted that this was usually considered by the Strategic Planning Steering Group, which could be attended by all Members. It was therefore agreed that the item did not require pre-scrutiny.

RESOLVED that

- (a) The Overview and Scrutiny Board's Work Programme be updated to incorporate the items for pre-scrutiny identified during the Overview and Scrutiny training on 5th June 2019; and
- (b) The items identified for pre-scrutiny during the meeting, as detailed in the preamble above, be added to the Overview and Scrutiny Board's Work Programme.

13/19

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Officers explained that a number of items had been identified as potentially suitable for further scrutiny during the Overview and Scrutiny training held on 5th June 2019 (Appendix 3). Members agreed that these items should be added to the Overview and Scrutiny Board's Work Programme for Members' consideration at the following meeting of the Board.

RESOLVED that

The Overview and Scrutiny Board's Work Programme be updated to incorporate the items for scrutiny identified during the Overview and Scrutiny training on 5th June 2019.

The meeting closed at 7.30 p.m.

Chairman